SW 9/12/12

G R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1901-2
(Legislative)

P-18

File No. 49-11

Serial Nos. 1-3

Papers Filed.

Month September 1912

SUBJECT.

Amendment of the Succession certificate Regulation 1901 — D.R.A. subject xo 524-1911.

PREVIOUS REFERENCES.	LATER REFERENCES.
Legs 4-11-1-3.	

S. Ananta Narayan
2/12/12

G.R.S. 11]

1911-12

GENERAL AND REVENUE SECRETARIAT.

(Legs)

NOTES.

File No. 49-11

FILE HEADING.

Amendment of the succession certificate Regn 1901, (VII of 1901) - G.R.A. subject No 57 of 1911

From

No.	Dated	Received

Diary. No	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

P.T.O

NOTES—First Sheet.

G.P.P.—30,000—27-6-11

2

SUBJECT No. 54.

Succession certificates.

Messrs. S. Sitaramaiya, Shimoga Municipality; A. Ramanna, Yedatore taluk; C. Krishnamurti, Bangalore City Municipality; and V. Raghavachar, Mysore taluk.

Summary of discussion.—The present rule, requiring the deposit of the full amount of the court fee in the case of succession certificates before the order for the grant of the certificate in any case is passed, works as a hardship when there are more parties than one claiming the certificate in one and the same case. The old rule requiring the payment of the fee only after the order for the grant of the certificate is passed may be revived.

Reply of Government.—A bill will be introduced to amend the Succession Act.

Subd This may transferred to the Legislature Section for necessary action.

K.N. (123) 3.4.12

19/4/12

Legs 11/4

Subd. The reasons refer to the provisions of Section 14 of the Succession Certificate Regn. VII of 1901. No such provision exists in the Act XXI of 1860 which this Regulation supersedes. The object may be attained by omitting the section from our New Regulation but the same provision exists in the British Indian Act on which our Regulation is based. Subd for further orders. Spare Copies of the Act of 1860 & our Regulation are not readily available. They are printed in pages 23-28 of Vol I of the Mysore

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Code & Layout 205 & Seq
Vol II of the Mysore
Code
MS (25) SW (11)
11/5/12 13/5

3 Retyped draft in view
the opinion of the Ch. Sec.
on the representation
Early
16/5/12

4 Mrs
Draft sent for approval
MS (25) SW
17/5/12 5
Early
17/5/12

Sw
20/5

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—25,000—11-11-11

G. R. S. 12]

General and Revenue Secretariat.

Legis File No. 49 of 1911-12

Serial No.	
1	No J 3449 dated 20/5/12
2	to the Registrar, chief court calls for the opinion of the chief court on the proposed amendment of the succession certificate Regn 1901 (vide D.R.A. subject No 54 of 1911)
2	No 4246/313 dated 22/5/12 from the Registrar chief court invites attention to the opinion of the chief court contained in correspondence ending with G.O. No 1068-9/Legis 4-11-3 dated 27/9/11 submitted
	6 The same subject had been brought forward at 1910 meeting and after taking the chief court's opinion thereon it was decided that the existing law required such amendment. But this year Govt have replied that a bill will be introduced into the Legis Cl.
Legis 46 of 1911-12	
	cb (6-8) SN(11) 29/5/12 7 It is a question whether in view of the opinion expressed by the Ch. Ct. in file no 4-11 it is desirable

NOTE.—Contn. sheet.

GPB—20,000—20-1-12

6

C R. S. 12]

General and Revenue Secretariat. | Legis File No. 49 of 1911

Serial No.	
	and there is nothing to show that it worked
	badly — [My reply at the D.R.A. must
	have been given after consulting Councillors.]
	Why not put the case before the Legislative
	Council & let it take its course?
	(Init) T.A.R. 18.7.12

NOTE—Contn. sheet.

GPB—85,000—17-6-12.

Serial No.

The Hon. Chief Judges note on the Hon'ble Supreme Court's reflects the views expressed therein and I am not therefore for amending the rule

22/7/12

24/7/12

Dowan

23

23/7

23/7/12

The Commissioners of the Chief Court agree that there should be no change. Reply may now be sent accordingly to the A.M. who started the subject with the remark that Government considered an [illegible] I have no personal views in a matter of procedure of this kind but the answer of the Court must

GPB—55,000—27-4-09

G. R. S. 12.]
General and Revenue Secretariat.

Legs File No. 49 of 1911-12

Serial No.

have been given in the
Special Subahan within
days. [illegible]

B
Put up draft

25
14/8

[illegible]

38
14/8/12

14
Submitted with a draft

(58) (11)
23/8/12 15th Sept)

24/8/12

16
1st Counsel

28/8/12

678 17
The inconvenience referred
by Mr Justice Ker. Rao. Can
be avoided by directing that
the deposit be taken before
passing the order. If neces-
sary, the Section may be
so amended.

18 I thought that the require-ment

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12]

General and Revenue Secretariat.

Legs File No. 49 of 1911

Serial No.

of the deposit was not a serious hardship & would perhaps be a bar to his various applications.

29/8/12

19 May this question be referred again to Chief Court or may his papers be submitted to Dewan?

31/8/12

1st Councillor 31.8.12

20 First to the Dewan please.

2/9/12

3233 / 3.9.12 Dewan

23 5/9

24

21 Parkeltan 8/9/12

That the existing rule stand unamended — Reply may give as already ordered on 12th inst. Thos Carlyle

22 Submitted to 1st Councillor for approval of this draft in his file

22 Draft approved by 1st Councillor 16.9.12 23 13/9/12

NOTE--Contra. sheet.

GPB—20,000—20-1-12

24 Issued 16/9/12 17/9/12

10

General and Revenue Secretariat.

Ys File No. 49 of 1911

Serial No.	
3	No 818-26 / Dy 2 D Welgar
	To the Regr Civ Ct, D.C. Mysore, Ower D.Cs
	Intimates that on a further condition
	Govt See no reason ~~to [illegible] for taking~~
	to change the opinion expressed in Yrs C-Mo 3

NOTE—Contn. sheet.

GBB—20,000—20-1-12

G.R.S. 26]

Legis File No. 49-11

Serial No. 1

Diary No. of letter replied to

No. J 3449.

General and Revenue Secretariat

( )

the 19

To

The Registrar, Chief Court of Mysore, Bangalore

Date of issue 20th May 1911

Signed by Mr S. Srinivasaraya

Has the honor to invite his attention to Subject noted on the Representation of the Assembly Proceedings of the Legislative Council, 1911, re amendment of the Excise Certificate Regulation, 1901 and to request that the opinion of the Chief Court on the subject-matter may be obtained and forwarded to

over.

SUBJECT.

Legis 49 of 1911-12 g 3142 serial 2

3

Chief Court of Mysore,

No 4246
313

Bangalore, dated 22nd May 1912.

From

The Registrar of the

Chief Court of Mysore

To

The Secretary to the Govt: of Mysore,

General and Revenue Departments.

S i r,

With reference to your letter No. 3449/Legis. dated 20th Instant re - subject No. 54 of the Representative Assembly Proceedings of the year 1911 re amendment of the Succession Certificate Regulation of 1901, I am directed to invite your attention to the correspondence ending with the Proceedings of Government No. 1068-9/Legis. 4-11-3, dated 27th September 1911.

I have the honour to be,

S i r,

Your most obedient servant,

Registrar.

N.G.

Proceedings of the Government of H.H. the Maharaja of Mysore.

R e a d:-

Subject No. 84 of the Proceedings of the Representative Assembly 1911 re the amendment of the Succession Certificate Regulation so as to make the fee for a Succession Certificate payable once for all while taking out the certificate after passing of the order in the case and the reply of Government thereto.

Necessity of discussion. The present rule requiring the deposit of the full amount of the court fee in the case of succession certificates before the order for the grant of the certificate in any case is passed, works as a hardship when there are more parties than one claiming the certificate in one and the same case. The old rule requiring the payment of the fee only aft the order for the grant of the certificate is passed may be revived.

Reply of Government. A bill will be introduced to amend the Succession Act.

2. Government order No. J 1068-9/Legis 4-11-3 dated 27th September 1911 stating that Government agree with the opinion the chief court that the existing law requires no amendment.

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order thereon:-No. Dated Bangalore, September 1912

On further consideration Government see no reason to change their opinion already expressed in Government Order No 1068-9/Legis 4-11-3 dated 27th September 1911 read above.

To

Offg. Secretary to Govt.

The Registrar of the Chief Court of Mysore
Deputy Commissioner, Mysore District for communication to the Members of the Representative Assembly who so desired the subject.
The Deputy Commissioners of Districts.

H.H.
80